

1895-006 Chancery Causes: Sarah Ward vs. J. M. Ward &
Lee Co. Henry G. Morgan, Comr. & vs. A. H. Spear &

Riddle, Kemp, Young, Wade, Hyatt, Wyatt, Spears, Flanary

Ch. Contract Dispute
T - Property

- Deed

Virginia-

To the honorable H. S. K. Morrison Judge of
the Circuit Court of Lee County.

Humbly Complaining, Sheweth unto your
honor, your Coatrix Sarah Ward. That on the
29th. day of Oct. 1870. she became seized and
possessed of a one third interest. by purchase,
of a certain real estate lying in Turkey Cove
Lee County Va. And bounded as follows: Beginning
at a buck near the top of a knob now down a corner to
the original tract. thence S. 40 E. 154 poles to a beech and
dead poplar stump S. 56 W. 48 poles to a gum S. 21 E. 18
poles to a steak N. 56 E. 54 poles to a mulberry, ash and
poplar corner of an old survey. S. 140 poles to 4 chestnuts
oaks on the top of Wallens Ridge S. 53. W. 26 poles to a
steak corner to a tract purchased by H. C. Slump of B.
F. Hoburn Jr. thence N. 12 W. 126 poles to rocks & steps
below a large poplar N. 35. W. 148 poles to two sugar trees
corner to a three quarter of an acre lot laid off with the
spring for the benefit of all the heirs of B. F. Hoburn
Deed and with the line of said spring lot N. 81 E. 8 poles
to a steak above the head of the said spring N. 30 W. 16
poles to a steak S. 74. W. 7 poles to a steak in the waggon
road S. 58. 4 to a steak in a line of lot no. 2 thence with
and including said waggon road 27 poles to a steak on
the original line, thence N. 60. E. supposed to be 35 poles to
the beginning containing $77\frac{1}{2}$ acres and one ninth of the
undivided spring and spring lot $\frac{3}{4}$ of an acre. All of which
is shown by a copy of said deed filed herewith marked
"A" And asked to be considered, from which your honor
will see that said real estate was conveyed
jointly to your Coatrix, Jonathan M. Ward and Mrs
Ward. Now your Coatrix further states that on

1 as about the day of 1881 by mutual agreement
2 your oratrix, J. M. Ward & Mrs Ward divided said tract
3 of land into two equal parts, J. M. Ward taking one
4 part and Mrs Ward taking the other, your oratrix still
5 retaining her one third interest, one half of said one third
6 interest - she retains in each tract, - That afterwards to
7 wit on the day of 18 - your oratrix executed to
8 Mrs Ward a deed conveying ^{to him} one half of her undivided
9 interest in the whole tract of 77½ acres. And said Mrs Ward
10 executed a deed to J. M. Ward conveying any interest which he
11 might have in J. M. Ward's interest - And J. M. Ward in
12 turn executed to Mrs Ward a deed. Now your oratrix alleges
13 and avers that she is yet seized and possessed of
14 one third of the tract laid off to J. M. Ward and has
15 and still retains the legal title to the same, that said real
16 estate contains about 42 acres and is bounded by the
17 lands of Mrs Ward, J. R. G. Hyatt and John Presor, and
18 is as she believes susceptible of partition ~~between~~ between
19 J. M. Ward and your oratrix, but if not then your
20 oratrix desires the same to be sold and the proceeds
21 divided between J. M. Ward and your oratrix in
22 proportion to our respective interests therein.
23 In tender consideration whereof, and forasmuch
24 as your oratrix is remediless in the premises, save
25 by the aid of a court of equity, where matters of the
26 kind are alone and properly cognizable, your oratrix
27 prays that the said J. M. Ward be made a party
28 defendant to this bill, and required to answer the
29 ^{same} but not on oath, according to the best of his knowledge
30 remembrance, information and belief as fully
31 and particularly as if the statements of this bill
32 were again repeated and the said defendant

1 specially interrogated; That - the said real estate
2 be divided between the parties aforementioned
3 entitled thereto, and your oratrix's portion thereof
4 allowed to her; and in case the said real estate
5 be indivisible, that - the same be exposed to sale
6 and the proceeds thereof be divided between the
7 parties entitled thereto, that proper process may
8 issue, that - Commissioners be appointed to partition
9 And that - such other further and general relief
10 may be afforded your oratrix as the nature of
11 her case may require, or to equity shall sum-
12 mit. And your Oratrix will ever pray etc.

13 M. G. Ely
14 J. P. D.

First Feby Rules 1894 / Eoly-

Sarah Ward Plff.

vs Bill in Chy-

J. M. Ward Def.

1894 1st Feby Rules Bill
filed for Exd & Disi

1894 2nd Feby Rules D. nisi
Cause & Cause set for
hearing by

1 This Deed made this the 29th day of October
2 in the year 1870 between Henry C Slump
3 and Malissa Slump his wife of the County
4 of Lee and State of Virginia of the one
5 part and Jonathan M Word and his
6 mother Sarah Word and Wm Word
7 of the County and State aforesaid
8 of the other part. Witnesseth that
9 for and in consideration of the sum
10 of Eighteen Hundred Dollars \$1800.00
11 in hand paid & secured to be paid
12 the receipt whereof is hereby acknow-
13 ledged the said Henry C Slump and
14 Malissa a his wife do grant bargain
15 and sell unto the said Jonathan M Word
16 and his Mother Sarah Word a certain
17 tract or parcel of Land lying and
18 being in the said County of Lee in
19 the Turkey Cove and being part of the
20 tract of Land of Buy T Roburn by com-
21 missioners & Deeded to the said H. C. Slump
22 his heirs &c by the said Roburn and
23 bounded as follows: Viz Beginning at a
24 Beech near the top of a knob now down
25 a corner to the original tract thence
26 S 40 E 154 poles to a Beech & Dead poplar
27 stump S 56 W 48 poles to a gum S 21 E 18 poles
28 to a stake S 56 E 54 poles to a Mulberry
29 ash and poplar corner to and ad-
30 survey S 140 poles to 4 chestnut oaks
31 on the top of Wallens Ridge S 53 W 26
32 poles to a stake corner to a tract

1 purchased by said H. L. Slump of Beef F. Staburn
2 of three N 12 W 126 poles to Rocks, 6 steps
3 below a large poplar N 35 W 148 po
4 to two sugar trees corner to a three
5 quarters of an acre lot laid off with
6 the Spring for the benefit of all the
7 heirs of Beef F. Staburn Decd - and with
8 lines of said spring lot N 81 E 8 poles to
9 a stake above the head of the Spring
10 N 30 W 16 poles to a stake S 74 W 7 poles
11 to a stake in the waggon road S 5 E 4
12 to a stake in a line of lot N 02 three
13 with and including said Waggon road 27
14 poles to stake on the original line
15 three N 60 E supposed to be 35 poles
16 to the Beginning containing 77 1/2 acres
17 more or less and also one third of the
18 undivided Spring and Spring lot of 3/4
19 of an acre. Be it understood that
20 the above bounds are held waived
21 for the purchase money. And the
22 said Henry L. Slump and Melissa his
23 wife their heirs &c do covenant with
24 the said Jonathan M. Word and Sarah
25 Word, that they will warrant gen-
26 ally the land hereby conveyed with
27 the exception of a claim of Jno Rich-
28 and of a bout 20 poles on the S. W.
29 corner of the entire Staburn tract of
30 land. Witness the following signatures
31 and seals.
32

Henry L. Slump Seal
Melissa Slump Seal

1 See County to wit:

2 I J. A. Jones a Justice of the
3 Peace for the County of ~~fore~~ said in the
4 State of Virginia do certify that Henry
5 L. Lemp whose name is signed to the
6 writing hereto annexed bearing
7 date on the 29th October 1870 has ack-
8 nnowledged the same before me in
9 my County aforesaid. Given under
10 my hand this the 31st Day of October
11 1870.

J. A. Jones J. P.

13 See County to wit:

14 We J. A. Jones & D. S. Reaser
15 Justices of the Peace for the County aforesaid
16 in the State of Virginia do certify
17 that Malissa Lemp wife of Henry L.
18 Lemp whose names are signed to the
19 writing hereto annexed bearing date
20 on the 29th October 1870. personally
21 appeared before me in the aforesaid
22 and being examined privily and
23 apart from her husband and having
24 the writing aforesaid fully explained
25 to her she the said Malissa
26 Lemp acknowledged the said writ-
27 ing to be her act and declared that
28 she had willingly executed the same
29 and does not wish to retract it
30 Given under our hands this the
31 31st day of October 1870.

J. A. Jones J. P.

D. S. Ressor J.P.

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Virginia Lee County Court Clerk's office

Dear 12th 1881.

The foregoing deed bearing date October
29th 1870 between Henry L. Slump &
Malissa his wife of the first part
and Jonathan M. Word Dorah Word
& Wm Word of the other part all of Lee
County Va was admitted to record upon
the certificate of J. A. Jones. & D. S. Ressor
late Justices of the Peace for Lee County
Va

Teste John R. Gibson
Clerk

A Copy - Teste W. L. Richmond Clerk

Henry L. Slump & wife

for copy Deed

Jonathan M. Word

Record Book
No 19. Page 622

Exhibited A.

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To the Honorable W. T. Miller Judge of The Circuit Court of Lee County:

The amended bill of your Oratrix Sarah Ward respectfully sheweth unto your honor, that heretofore your Oratrix exhibited in this court her original bill of complaint against J. M. Ward, the object of which was to have partition made of a certain tract of land lying in Turkey Cove Va. deeded to your Oratrix, J. M. and W. D. Ward. As is shown by Exhibit 'a' filed in said original bill, said original bill and exhibits therewith are here made part of this amended bill and asked to be treated as such. Your Oratrix states that heretofore at the March term of your Honors court, one Harvey Young (after a decree had been entered against J. M. Ward defendant by default) filed a petition in your Honors Court asking to be made a party claiming that he had a deed of trust on the lands in the original bill sought to be partitioned and that your Honors Oratrix had no interest in said land having deeded her entire interest in said tract to W^m Ward. This she denies and here alleges as in her original bill that she only conveyed to W^m Ward, and it was the intention of all the parties concerned that she was conveying to W^m Ward only her right title and interest in and to the one half of said tract laid off to him in the division between J. M. Ward and W^m Ward. Of said deed from H. C. Skunk and wife to your Oratrix and J. M. and W^m Ward did not convey any thing to W^m Ward, why did J. M. Ward and W^m Ward deed to each other after the division. A copy of each is filed herewith and asked to be treated as part of this amended bill marked "Jonathan" & "Shem"

Now your oratrix alleges again that she is entitled to one third of the tract that J. M. Ward now lives on containing about 42 acres, that she has the legal title to the same, and her title has been recognized and acknowledged all the time by the defendant J. M. Ward. Your oratrix supposes that it is true that J. M. Ward executed to J. M. Wyatt a Trust deed, to secure certain debts, on his interest in said land, but your oratrix is advised that said deed attaches on to J. M. Ward's $\frac{2}{3}$ s interest, and no more. Your oratrix prays as in her original bill, that ~~partition~~^{commissioners} be appointed to partition said land, that if said land is not susceptible of partition your oratrix prays the same to be sold and the proceeds divided between your oratrix and J. M. Ward, but if a sale should be deemed most practicable that an acct of him be taken and in as much as your oratrix is rendered lame by the aid of a court of equity, she prays that the said J. M. Ward, Mrs Ward, F. T. Middle, C. Shunk, Harvey Gaud, and J. M. Wyatt Trustee be made parties defendant to this bill and required to answer the same but not on oath that being waived that the said real estate be divided between the parties aforementioned entitled thereto, and your oratrix's portion allowed her. That just process may issue and that such other further and general relief may be granted your oratrix, as the nature of her case may require, or to equity seem meet. And your oratrix will ever pray etc --

M. G. Ely

Q. S.

Sarah Ward Dech

Wm. Ward Dech -

J. M. Ward Dech

Exhibits furnished and taken

- 1894 2nd April Remo amended
- bill filed Sp. 2d & 3d
- & Sp. awarded against
- J. M. Ward & Co.
- " 1st May Remo sent
- " 2nd May 1st sent & R
- Confirmed J. M. Ward
- as to Deft. J. M. Ward
- " 1st June Rules taken last
- Monday in May Dech
- Conf'd as to 2d J. M. Ward
- Causes set for hearing
- by J. M. Ward

Plffs Costs

Clerk \$10.98

Shuff 8.00

Combs 22.50

Atty 15.00

Estimated 5.00

\$61.48

\$61.48

\$61.48

\$61.48

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To the Honorable W.T. Miller, Judge of the Circuit Court
of Lee County, Virginia:

Humbly complaining, your orator, H.J. Morgan, Commissioner,
who sues for the benefit of L.M. Wade, Executor of Castleton,
Wade, deceased, would respectfully represent and show unto ~~you~~
your honor, That heretofore, to wit, at a Circuit Court con-
tinued and held for Lee County, at the Courthouse thereof, on
the 8th day of December 1888, a judgement was rendered in fa-
vor of the said Henry J. Morgan, Commissioner, against A.H.
Spears, J.M. Ward and J.A.G. Hyatt for the sum of one hundred
and thirty-three dollars and thirty-four cents with interest
thereon from the 18th day of May 1886 till paid and nine dol-
lars and one cent costs; that in vacation in the Clerk's Of-
fice of the Circuit Court of Lee County, at the Courthouse ~~the~~
thereof on the 9th day of January 1893, the said A.H. Spears, J.
M. Ward and J.A.G. Hyatt confessed a judgement against themselves
in favor of the said Henry J. Morgan, Commissioner, for the sum
of sixty-six dollars and sixty-seven cents with interest there-
on from the 18th day of May 1886 till paid and eight dollars
and fifty-one cents costs, all of which will more fully appear
by reference to said judgements, copies of which are herewith
filed as part hereof marked "A" and "B" respectively.

Your orator will now further show your honor that both of
these judgements were duly docketed on the Judgement Lien Docket
of Lee County so as to constitute liens on all the lands
owned by said Spear, Ward and Hyatt, the first one of which
was docketed on the 14th day of December 1888, and the second
was docketed on the 10th day of January 1893 which will more
fully appear by transcripts from said Lien Docket herewith
filed as part hereof marked "C" and "D".

Your orator will further show your honor that on the
first of the aforesaid judgements, to wit, the one for \$133.34,
two payments have been made; Ninety dollars on the 3rd day of
April 1889, and Fifteen dollars on the 22nd day of March 1893.
Your orator states that no other payments have been made on
said judgement, and that the second of said judgements is whol-

ly unpaid and due to your orator.

Your orator will now show your honor that said judgements grew out of a debt originally due from A.H.Spear, Jonathan M. Ward and James F. Jones to Castleton Wade upon which a judgement was rendered on the 6th day of September 1878; that afterwards to wit, at the September rules 1884, a bill was filed against the said Spear, Ward and Jones in the Circuit Court of Lee County, the object of which was to enforce the lien of said judgement against the lands of the said Spear, Jones and Ward. Such proceedings were thereupon had that on the 10th day of May 1886, H.J.Morgan, who was appointed a Commissioner for the purpose, rented the lands of Jonathan M.Ward, one of said judgement ~~creditors~~ ^{debtors} for a time sufficient to pay said debt; and at said renting A.H.Spear, one of said judgement debtors, rented said land for a period of three years and ~~xxx~~ agreed to give therefor the sum of \$251.08; he paid down in cash \$51.08, and executed three notes for \$66.67 each, the residue of said sum, with J.M.Ward and John A.G.Hyatt as securities. Thus it will be seen that the said A.H.Spears and J.M. Ward are primarily liable for the balance due on said judgements, and the lands owned by them or either of them ought to be first applied to the satisfaction of said liens before the lands of the said Hyatt are touched. The said A.H.Spear owns no land so far as ^a your orator knows. The said J.M.Ward is the owner of a tract of land situated in Lee County, Virginia, conveyed to himself and others by Henry C.Slemp and wife by deed bearing date on the 29th day of October 1870, a copy of which is filed with said original chancery cause as exhibit "B". And said Chancery cause is here referred to and asked to be treated as evidence in this cause.

Your orator will now show your honor that since the rendition of said judgements, and since the same were docketed as aforesaid, the said J.M.Ward has made and executed a deed of trust conveying his land to Jonathan M.Wyatt, Trustee, to secure a debt or liability from him to C.Slemp, Harvey Young, ~~Kx~~ William A.Ward and F.F.Riddle, all of which will more fully

appear from a ~~copy~~ of said deed of trust, a copy of which is herewith filed as part hereof, marked "B"

There are no other liens on said Ward's lands known to your orator, nor are there any liens against the lands of the said J.A.G.Hyatt, known to him..

The said James F.Jones is insolvent and nothing can be realized from him.

Now the object of this bill is to enforce the lien of said judgements and to collect the balance due thereon, and being without adequate remedy at law, he prays your honor's Court of Chancery to take cognisance of his cause and grant him the proper relief, and to this end he prays that A.H.Spear, J.M. Ward, J.A.G.Hyatt, Jonathan M.Wyatt, Trustee, C.Slemp, Harvey Young, William A.Ward, and F.T.Riddle be made the parties defendant to this bill, and that they each be required to answer its several allegations on oath, and that upon a hearing that the lien of said judgement be enforced; that the lands of the said J.M.Ward, or enough thereof, be sold for the purpose of satisfying the same, and that in the event that said Ward's lands are insufficient to pay the same, then that the lands of the said J.A.G.Hyatt be subjected thereto, and for full general relief.

May Spa. in Chancery issue, directed &c.

James F. Jones, p.c.

Henry J. Morgan Comr. &c.
vs. $\frac{3}{3}$ Bill in Chy.
A. H. Spear et al.

Duncan & Hyatt p. 7.

To the Hon. H. S. K. Morrison Judge of the
Circuit Court of Lee County Virginia.
Your petitioner Harvey Young who
humbly complaining would respectfully
represent that at the Feb'y Rules for
1894 one Sarah Ward filed her Bill
in this Honorable Court whereby she
sought to have partition or sale made
of a tract of land situated in
Turkey Cove Lee County, Virginia
described as a tract of land
purchased by the said Sarah Ward
& J. M. Ward from H. C. Slump wife
for a more particular description
thereof reference is here made
to the exhibit filed by the plaintiff
marked "A" & filed with plaintiffs
Bill. Said conveyance while it
names Wm Ward does not in fact
convey to him, but the conveyance is
to Sarah & J. M. Ward. On the 8th
day of Feb'y 1893 the said J. M.
Ward conveyed to Jonathan M. Wyatt
trustee his interest in said
land to secure a debt to your
orator & one C. Slump who had to
pay a large sum of money for
the said J. M. Ward as deputy Treas-
urer, this deed of trust was
properly acknowledged & recorded
before the plaintiff filed her Bill.
In her Bill she seeks partition

of the same lands known as
the Slump tract claiming an
interest therein.

Your petitioner would now
state that after the conveyance
made to Jonathan & Sarah Ward
by H. C. Slump & wife to wit. on
the 26th day of January 1881 Sarah
Ward conveyed to W^m A. Ward by
Deed bearing date on the last named
day, ~~all other~~ right & title to
her undivided interest in & to the
land conveyed to her & J. M. Ward
by H. C. Slump & wife being one half
of said land & also her interest
to a tract which the said Sarah
obtained by purchase from her
father's estate, also situated in
Turkey Cove, so that at the
time of the filing of her Bill
she had no interest in the
lands sought to be partitioned
but the interest she seeks was
at the time and still is the
property of J. M. Ward & was con-
veyed by the Deed of Trust before
mentioned & is subject to the pay-
ment of your petitioner's debt.

The original deed of Sarah Ward
to William Ward is filed with this
petition & prayed to be examined a
part hereof & the same is recited

in Deed Book 19 page 259.

Your petitioner is advised therefore
that he has an interest in said
cause & he prays to be made a party
to said suit & that he be permitted
to answer & defend the same & as
in duty bound he will ever pray &c

A. L. Pridemore
for Petitioner

Virginia Lee County, To wit.

This day D. S. Sewell
personally appeared before me &
made oath that the facts set
out in the foregoing petition as
appears from the records in the
Clerks office of the County Court
of Lee County are true. Given
under my hand this 16th day
of March 1894.

A. B. Munsey clerk

Harvey Young

in Petition

Ward v. Ward

To the Honorable W. J. Miller,
Judge of the Circuit Court of Lee
County.

The separate answer of your
respondant J. M. Ward, to a bill of
complaint exhibited in your
Honor's Court by Sarah Ward against
your respondant and others, asking
partition of certain lands in the
said bill mentioned, for answer
to said bill and amended bill
answering would say, that it
is true that your respondent, J. M. Ward,
William Ward and complainant
Sarah Ward, jointly became seized
and possessed by purchase on the
29th day October, 1870 of the tract
of land first described in the said
bill, containing $7\frac{1}{2}$ acres; and it
is further true that your respondent
and William Ward on the
~~last~~ day of 18 , by agreement
divided the said tract of land
between themselves with the under-
standing as your respondent thought
that complainant would deed to your
respondant and William Ward her

two sons, her interest in said tract of land. Your respondent further states that it is true that complainant executed to William Ward a deed conveying to him half her interest in said tract of land; but your respondent is informed that said deed purports to convey her entire interest in said tract, but your respondent is not advised as to what her intentions were; your respondent would further say that at the time that said complainant executed the said deed to William Ward, that she ^{and agreed} promised to convey to your respondent her other half interest in said tract of land, that pursuant to said promise and agreement he has had possession and control of one half of the entire tract of land, and has paid taxes on the said land, and has considered ^{the same} as his for several years.

Your respondent admits as true that complainant has an interest in his half of said tract of land, but never thought that she would set up any claim to it, or ~~claim~~

promised time and again to convey her interest to her son your respondent. It is further true that your respondent executed to J. M. Wyatt, ^{a deed of trust} trustee, for the benefit of Harvey Young and others, not thinking that complainant would set up any claim or interest to said land, until your respondent could pay off said deed of trust; your respondent considering said land as his, and was greatly surprised when he learned that complainant had instituted her suit for partition. Your respondent denies that said land is susceptible of partition, and avers that if complainant has any rights in the premises that the liens should be ascertained and the said land sold and the proceeds of sale be divided among those entitled thereto; and now having answered as fully as he is advised that it is necessary for him to answer, he prays hence to be dismissed with his costs in this behalf expended etc.

Chas. Young 98

J. M. Ward.

Ads. } answer

Sarah Pitard

Filed in open court

June the 13th 1894

A B Munsey Clerk

To the Hon. W. T. Miller, Judge of
the circuit court of Lee County,
Virginia.

The answer & separate answer
of Harvey Young to a Bill
& amended bill of Sarah Ward
against him & others,

Respondent says that the plaintiff's
Bill, ^{& amended Bill} are not good & sufficient in
law & of this he prays judgment
of this Court.

But if further answer be
demanded, necessarily answering he
says, it is not true that the
plaintiff has any interest whatever
in the land in the plaintiff's
Bill & amended bill mentioned
& respondent states that on
the 26th day of Jan'y 1851 the
said Sarah Ward conveyed by
deed of that date to Wm.
Ward all of her right title
& interest, among other things,
to ~~W. A. Ward~~ ^{in the} land men-
tioned ~~by~~ the plaintiff's Bill,
and it is not true that she
did not convey by said deed
her entire interest, but upon the
contrary she conveyed all the
right title & interest she had &
respondent herewith files her
deed to W. A. Ward above alluded

to as evidence in contestable of
that fact

Respondent would here state
that on the day of 18
the said W.A. Ward partitioned
said land ^{with} ~~the~~ plaintiff J.M.
Ward by deed bearing date on
the 13 day of April 1889, a copy of
which accompanies the plaintiffs
Bill, whereby it is shown that
J.M. Ward was the owner thereof
& not the plaintiff. On the 8th
day of Feb'y 1893 the said J.M.
Ward conveyed to Johnathan
M. Wyatt trustee to secure to
your orator & c. Stump a large
sum of money which they had
to pay for said J.M. Ward as
deputy Treasurer, which deed of
Trust was properly acknowledged
& recorded before the filing of the
plaintiffs Bill. &

It is to void the effect of
this deed of Trust & prevent
the sale of J.M. Ward's land
for the payment thereof that
gave rise to this suit as your
respondent believes. Respondent
denies, therefore, that the plaintiff
had any interest in the land
at the time of the filing of
her Bill, he denies each &

X Deed out of Trust is herewith
marked "Trust Deed" as a
part hereof -

every allegation of the plaintiffs
Bill not herein admitted,
he denies that said plaintiff
is entitled to $\frac{1}{3}$ of said land or
any part thereof; and respondent
is advised that the plaintiff is
estopped ^{by her deed to J. M. Ward} to deny that she did
convey her entire interest in the
land in controversy & that he
by reason of the conveyance
to Jonathan M. Ward trustee guided
by the records of J. M. Ward's title
took a beneficial interest
therein as an innocent person
without notice of the plaintiffs
claim as set out in her Bill.
And now having fully answered
he prays to be hence dismissed with
~~his reasonable costs &c~~

A. L. Pradmore

p. J.

Harvey Gouney.

as Answer

Sarah Warh

Filed in open Court June
the 18th 1894

A B Munsey Clerk

To the Hon. W. J. Miller Judge
of the Circuit Court of Lee
County -

The joint and several
Answer of Harvey Goring and
Campbell Slump to a bill
filed in this Hon Court against
them and others by H. J. Morgan
Comm.

Respectfully would say that
they are the beneficiaries of the
 deed of trust mentioned in the
Bill, and they therefore deny
that the peffs judgement is a
lien on the land of J. M.
Word as against them, Because
when merely land was once
rented that forever discharged
that judgement, as to the judg-
ment on the rental note, the
peff could by due diligence
exercised in selling property
then and now levied on, can
make his debt, and as he has
a lien on this personal property
which your respectfully have
not, if the peff had a lien
on the land he is advised a

a court of equity would
shift the lien over on to the
personal estate, on which re-
spondents have no lien.

They deny therefore as against
them the plaintiff has a lien on
the J.M. Bond Law, and that
all they have any in-
terest in. And having now
fully considered they pray to
be dismissed with their
Costs.

D.C. Sewell P.
for defts.

Harner, young chal

W.H. Spears chal

ado } answer of
Harner young
C. Slump-

H. J. Morgan corner

filled in open court
this the 16th day of

Apr 10. 1894

A. B. Murray Clerk

46 1894

Sarah Ward

against

J. M. Ward et al

and

H. J. Morgan Comr.

against

A. H. Spear & others

In Chy -

These causes came on again this day to be heard upon the papers formerly read & the report & deed filed by Special Comr. D. C. Sewell Nov. 14th 1895 to which there are no exceptions & was argued by Counsel. On consideration whereof it is adjudged, ordered & decreed that said report be ~~read~~ hereby confirmed & the deed to Harvey Young filed therewith is approved & the Clerk of this Court will deliver the same to said Young & ~~that~~ is decreed that said Harvey Young pay to D. C. Sewell the sum of five dollars for making & reporting said deed, and nothing further to be done in this cause the same is stricken from the docket -

Sarah Wood

vs

J. M. Ward et al

vs

H. J. Morgan et al

vs

H. H. Spear et al

Dece

final

Nov 1. 1895

O. B. P. 28,

Enter this

Nov 14th 1895.

Sarah Ward
vs

J. M. Ward et al

H. J. Morgan Comr
vs

A. H. Spear et al

To the Hon. W. T. Miller, Judge
of the Circuit Court of Lee County,
Virginia.

Your undersigned Comr,
pursuant to the terms of a
decree entered herein on Nov
13th 1895 has made, executed
& filed herewith a deed ~~of~~
special warranty conveying
the land in the bill mentioned
to Harvey Spring, the purchaser
for which he charges 5⁰⁰ &
asked that that sum be
allowed him therefor.

Respt. Sub.

R. F. Swell
Spc. Comr.

Reprint deed
Sarah Ward

vs
J. M. Ward et al.
+

H. J. Morgan Cur

vs
A. H. Speer et al.
Filed Nov 14th 1895

Leach Wood Off

$$m \frac{1}{2} \{$$

Mr. Board at 25 St. St.

Very C. J. Morgan Esq., - 1 d 100.

For the first time

U. N. punctat' Dec. 1

[illegible]

But before acting under this order he will
give the Porter timely notice thereof - and report his
action to this Court at its next Term. And

Sarah Ward. plff
against
J. M. Ward & Co. defts } In Chy

H. J. Morgan plff.
against
A. H. Speare & Co. defts } In Chy

On the
Motion of Harvey Young one
of the defendants in the first
styled Cause, the order of Con-
tinuance ~~was~~ entered in this
Cause is set aside. And was
^{agreed by Counsel} therefrom there Cause came
on again to be heard upon
the papers formerly read ^{into}
evidence being made, that the
recovery of H. J. Morgan's Com.
should be borne equally by
J. M. Ward & J. A. G. Hyatt.
Counsel will ascertain
and report whether or not
such is the fact, and he will
further ascertain what ^{payments} ~~credit~~
have been made, in said
Judgment, and, by whom; ~~and~~
and the recovery in the former
decree in this Cause shall
not prevent, a proper adjust-
ment thereof. ~~the~~ Cause is
again continued.

Sarah Word

of
Dennis.

J. M. Word et al,
June 7. 1895.

Entered
O.S. Page 243

Enter this
June 15 1895

Sarah Ware

Plff

against

J. M. Hard et al

Defts

and

W. J. Morgan Cause Complt

vs.

A. H. Spears et al

Defts

In Chancery

In Chancery

For reasons appearing to the Court
it is ordered that these causes be brought
on to be heard together. And said second
cause coming on to be heard upon the
bill of the Complt, and exhibits filed
therein, the joint answer of Sarah
Young and C. Slump; and it appearing
further that all other defendants therein
have been duly served with process
for more than 15 days before this term
of the Court and their failing to appear
said bill as to them is taken for confessed;
and said first Cause came on again
this day to be heard upon the papers
formerly read therein and the report
of Commissioner S. C. Swell filed
therein on May 2nd 1875, and exceptions
thereto, and was argued by counsel.

On consideration of all which and for
reasons appearing to the Court, it
is ordered and decreed that
said report and statements filed there-
with be and are hereby confirmed, and
that W. J. Morgan recover from
J. M. Hard. A. H. Spears.

1 J. A. Hyatt the sum of \$62.58 with
2 legal interest thereon \$52.91 a part
3 thereof from the 3rd day of Dec. 1894, till
4 paid, that St. J. Morgan & Co. recover
5 from said J. M. Hard, et al.
6 Spears and J. L. G. Hyatt the sum of
7 \$75.73 with legal interest on \$66.34
8 from the 18th day of May 1886 till paid,
9 and that Harvey Young recover from
10 J. M. Hard the sum of \$1003²⁵ with legal
11 interest thereon from the 8th day of February
12 1893 till paid, subject to a credit of \$3.35
13 as of June 1st 1895, and that Harvey Young
14 C. Slump, H. A. Hard and A. T. Riddle re-
15 cover from J. M. Hard the sum of
16 \$776.⁹⁰ with legal interest thereon from
17 January 11th 1893 and the costs of this
18 suit; and that said parties have prior-
19 ities of lien on the land in said causes
20 mentioned in the order named above.
21 And it is further ^{alleged} considered by the
22 Court, ^{that} if said recoveries and the costs
23 of this suit are not paid in 20 days
24 from this day, then B. C. Swell, who
25 is hereby appointed a special com-
26 missioner for the purpose, do, as a
27 public outcry at the front door of the Court
28 house sell said land to the highest
29 bidder for cash in hand sufficient to
30 pay the cost ^{of this suit} & commissions of sale & for
31 the residue he will require the purchaser
32 to execute his bonds to himself as

1 Given bonds payable in 6 or 12 months
2 & bearing interest four days of sale. Back
3 before proceeding to ask hereunder said
4 Court will execute a bond ^{before the clerk of this court} in the
5 penalty of \$3000⁰⁰ conditioned according
6 to law & he will advertise the
7 time, terms & place of sale for
8 at least 30 days prior thereto by posting
9 written or printed notices at two or
10 more public places in said county
11 one of which shall be on the front
12 door of the Court house & another
13 in the neighborhood of where the land
14 lies & he will report his actions
15 to this Court at a future term &
16 this cause is continued.

Sarah Ward

28

C. M. Ward et al

H. J. Morgan con

H. H. Speers & others

Deer

for

to be

June 7, 1895

Entered by order
Book Page 237

Enter this

June 14, 1894

Sarah Ward plff
against } In Chy.

J. M. Ward et al deft

This cause came on this day to be again heard upon the papers formerly read, and the answer of Harvey Young and replication, thereto and exhibits filed therewith; the depositions of witnesses and the argument of Counsel -

On consideration of which and for reasons appearing to the Court it is adjudged ordered and decreed, that as between the plff ~~and the deft~~ Sarah Ward and Harvey Young and C. Slump the beneficiaries in the deed of trust executed by J. M. Ward on the 8th day of Feb. 1893, to J. M. Wyatt trustee, has no claim or right to said land; and the Court adjudges that said deed of trust is valid and should be enforced, on the land conveyed thereby - but the Court is of opinion that as between the plff Sarah Ward and defendant

J. M. Ward, the plff would be
entitled to ~~an interest in~~ ^{an interest in} the land con-
veyed by H. C. Blomps after the payment
of the deed of trust shall be paid and
satisfied. And it being suggested that
there have been payments made on
said deed of trust, or that the amt
appearing on the face of said
deed of trust is not the true
amount, due thereon; and that
there are older liens existing on
said land. It is adjudged ordered
and decreed, that D. C. Sewell
who is hereby appointed a special
Commissioner will ascertain and
report, what liens if any are older
in point of time to said deed of
trust, what interest as between
Sarah Ward & Jonathan M. Ward
the plff is entitled to, and what
amount is due on said deed of
trust he will report any
fact, deemed material by
himself or required by either
party, and he will give due
notice of the time & place of
his sitting to the parties or their

attorney can report his action
to this Court, at its next term
& the cause is continued.

Sarah Word
of Decree
for a act
L. M. Word et al
Nov. 7, 1894

5.
Cule to. t. mldg.
Cranbrook, I
Page 105

Enter this
Nov. 16 1874
1/7 J.M

Henry J. Morgan, Comr. for &c. Plaintiff.

vs.

In Chancery.

A.H.Spear, 'et als.

Defendant.

This cause came on this day to be heard upon the bill of the complainant and exhibits therewith filed, and was argued by counsel. And it appearing to the Court that process has ~~be~~ been duly served upon all the defendants for more than fifteen days before the first day of this term of the Court, and that~~x~~ they have each failed to appear, answer, plead or demur, the bill of the complainant is taken for confessed against them and each of them. And it further appearing to the court that said judgement is a lien upon the lands of the defendants A.H. Spear, J.M.Ward and J.A.G.Hyatt, and that the said A.H.Spear and J.M.Ward are the principal debtors and that there are other liens on the lands owned by them, it is therefore adjudged ordered and decreed that A.E.Munsey, one of the Commissioners of this court, do proceed to ascertain the lands owned by the said A.H.Spear and J.M.Ward or either of them, the liens existing against the same, the amount thereof, and the priorities thereof, whether or not said lands will in five years ~~xxx~~ renting pay said liens and the costs of this suit, But before proceeding to act hereunder, said commissioner will give notice of the time and place of his sitting to the parties interested. He will file with his report the evidence acted on by him; he will report all matters deemed pertinent by himself or required by any of the parties, and this cause is continued

H. J. Morgan for. 10.
vs 3 Decr.

A. H. Spears et al

For an account

Enter this decree

Nov 15th 1894

Sarah Ward
vs &c &c Dea. Gley.
J. M. Ward et als.

This cause came on this day to be heard on
the original and amended bill, the answers
of J. M. Ward & El. Harvey, Young and general
replication thereto by complainant and the other
defendants upon whom process had been duly
served, they failing to appear filed answer and cross
and was argued by counsel, On consideration
of which ~~the bill is to be decreed~~ W. A. Ward, H. T.
Middle ~~and J. M. Ward~~ is taken for confessed
and the cause is as to the other defendants
is continued.

Sarah Ward
no 33 Deer
J. M. Ward et al.

E. T. C. Ward et al. P 33

Enter this
17th Sept
June 14th 1894

This cause came on this day to hear upon
the bill taken for composed as to J. M. Ward
defendant, upon whom process had been duly
served, he failing to appear, plead, answer and demur-
and was argued by counsel. On consideration
whereof the court doth order that S. M. Carmichael
A. D. Litton and J. B. F. Olinger, who are hereby
appointed commissioners for the purpose, having
been duly sworn, do proceed to lay off and divide
the real estate, which Sarah Ward and J. M. Ward
purchased jointly from W. C. Slunk & wife, described
by copy of deed filed in this cause. They shall lay
off ^{and assign} to Sarah Ward, on third ~~of~~ of the said land
now in the possession of said defendant (said
and lay off and assign to J. M. Ward two thirds of said tract
tract to be divided containing about 42 acres) having
regard to quality and quantity. But if the said
commissioners should find it impracticable to
divide the said land among the aforesaid parties
or should be of opinion that the interest of the said
parties would be more promoted by a sale of the
same, ~~then~~ such case they are required to report the
facts, upon which their opinion is based, to the
court, and also report in their opinion what is the
per simple value of said tract of land. And in
either case they are required to report their
proceedings under this order to court and
the cause is continued.

Sarah Ward
Wife of
A. M. Ward

Entered in Church +
Con. Book Jan. '87

March 12th 1894

Enter this
H. L. K. W.
March 12. 1894

Sarah Ward

against
Johnathan M Ward

} In chy

On motion of Harvey Young
who this day presented his petition
in open court praying to make a
party to this suit; The order ^{and} of
Continuance entered in this cause on the 15th
day of March of the present term
is vacated & annulled & set aside
& therefore this cause came on
again this day to be heard upon
the Bill of the plaintiff, ~~the~~ ^{and} exhibits
filed, the petition of Harvey Young
& exhibits therewith & was argued
by Counsel. And the court being of
opinion that the partitioner is
entitled to make a party ^{suff} to said
said the plaintiff is ordered to
amend her bill & make the said
Young a party thereto ^{she is permitted to make} & such other
persons as she may be advised are
necessary or proper & the cause
is continued.

Sarah Ward

vs3 Decree

J. M. Ward

March 7. 1894

E.C.O.B. Page 599

Mich 16. 1894,

Enter this

H.S.K.M.

March 1894-

To Harvey Lang and J. M. Ward

Take notice, that on the ^{The} 20 day of Oct., 1894, at the office of ^{dwelling house of}
A. D. Lutton's ^{near Rich store Va} ~~in the town of~~, between the hours of 9

o'clock a. m. and 6 o'clock p. m. of that day, I shall proceed to take the depositions of

Sarah Ward et al -

to be read in evidence in my behalf in the suit in equity depending in the Circuit Court of

Lee County in which

Sarah Ward is

Plaintiff and

J. M. Ward et al

are

Defendants; and if from any cause the taking of said depositions be not commenced on that day, or if commenced, if they be not completed on that day, the taking of said depositions will be adjourned and continued from time to time and place to place until they are completed.

Respectfully,

Sarah Ward
By counsel

The Depositions of Sarah Ward and others taken before me W. A. Orr Jr. a Notary Public for the County of Lee, State of Virginia pursuant to a notice hereto annexed at the Dwelling house of ^{Wm. D. Little} ~~A. D. Little~~ in Lee County, Virginia, on the 20th day of October 1894. between the hours of 9 o'clock A.M. and 6 o'clock P.M.

To be read as evidence on behalf of Sarah Ward in a certain suit in Equity depending in the Circuit Court for the County of Lee wherein Sarah Ward is plaintiff and the said J. M. Ward and others defendants.

Present M. G. Ely atty for Plff. and A. H. Jones atty for Deft. J. M. Ward and Harvey J. Ward Sarah Ward being duly sworn deposes and says as follows:

Ques (1) Please state your age and whether or not you are the plaintiff in this suit?

Ans. I am 84 years of age I think in February next. I am plaintiff in this suit.

Ques (2) Please state whether or not you are acquainted with the land here sought to be partitioned ^{by you} and if so from whom was it originally purchased?

Ans. I am acquainted with the land

1 it was originally purchased from
2 H. C. Slump. I purchased it and
3 paid for it myself

Ques 4 Please state to whom did you
5 leave H. C. Slump and wife to
6 deed this tract of land?

Ans. 7 He deeded it to me and Johnathan
8 Ward and W. A. Ward. I had their
9 names put in the Deed myself.

Ques 10 Please state what relations you
11 are to Johnathan and W. A. Ward?

Ans. 12 I am their Mother--

Ques 13 Please state why it was that you
14 had the said land Deeded to you
15 off, Johnathan Ward and W. A. Ward?

Ans. 16 I just had it done, wanted them
17 ~~with me~~, they were boys
18 and 2 a woman

Ques 19 Please state, by virtue of the said
20 Deed from H. C. Slump, to you
21 and your two sons, of the said land,
22 what part of the said land
23 did you and each of you
24 own?

Ans. 25 I reckon we owned a third
26 piece.

Ques 27 Please state whether or not of in
28 the original deed to you, Johnathan
29 & W. A. Ward, ^{from H. C. Slump} it was your intention
30 and the intention of the parties -
31 that said land be Deeded to you, J. M.
32 Ward & W. A. Ward

Ans-1 Yes sir.

Ques-2 In Mr. Young's petition in this
cause it is denied that W. A. Ward
is a party & that he died from H. C.
Slump & you and Johnathan
Ward, please state whether or
not that is true?

Ans-8 It was made to W. A. Ward as well
as to me and Johnathan Ward.

Ques-4 Now please state what interest you
own in said lands at this time or
at the time you filed your suit for
partition.

Ans-4 I ~~own~~ a third of I deeded to
W. A. Ward one half of my third.
I still own a third of the tract
now in possession of J. M.
Ward. I own a sixth part
of the whole tract.

Ques-2 Please state whether or not you
have now conveyed your entire
interest in said land to W. A.
Ward?

Ans-4 No sir. I just deeded him the
way I told you.

Ques-2 Please state whether or not you
can read and write.

Ans-4 No sir I can't. either one, no
children at all.

Ques-2 Now Mrs. Ward it appears from the
deed filed by Harvey Young with his
answer in this cause from you

1 to M. A. Ward that you conveyed
2 him your entire interest in
3 said tract of land; please state
4 whether or not that was your
5 intention and tell just what
6 interest you intended to
7 convey?

Ans- No; sir it was not- I intended
to convey to him only one
half of my interest-

Ques- At that time, please state what
you intended to do with the
other half, if ^{your interest} any thing
Ans- I intended to keep it: to live on
when I got old-

Ques- Now Mrs Ward is the the deed
which you made to M. A. Ward
purports to convey your entire
interest to said land, please
state whether or not that is
a mistake

Ans- It is a mistake.

Ques- Please state whether or not, if you
knew of the deed from H. C.
Stump to you, J. M. Ward and
M. A. Ward has ever been
recorded in the County Court
at Mr. Stump's office of Lee Co.?

Ans- I ~~do not know~~ or know it is; I
had it done.

Ques- Please state whether or not - it was
recorded at the time that Harvery,

1 Young and others taken a deed
2 of Trust upon the land which
3 you are now seeking to have
4 partitioned?

Ans. Yes. Sir it was recorded years
before that:-

Ques. Mr. Young says in his answer in
this ^{suit} that it is to avoid the sale of the
land under his Deed of Trust that
you have brought this suit,
please state whether or not
that is a fact:-

Ans. No. Sir; it is not. If they had
let me know before this
Deed of Trust I had stopped
it then.

Ques. Please state whether or not you
are entitled to have laid off
and assigned you are third
of the tract of land now in
possession of J. M. Ward? and
whether or not you are the
legal owner of one third of
said tract?

Ans. I am; I am the legal owner
of that and ought to be of more
of it.

Ques. Please state whether or not you
think the said tract of land is
susceptible of partition or the
land, ^{ought to be} sold and the proceeds divided among
those entitled thereto

1 ~~I don't think it would be best to~~
2 I ~~think~~ would rather have my
3 part & live on. I think the
4 land is susceptible to fastidious
5

6 Ques You stated that you was 84 years
7 old in Feb. is your recollection
8 as good as it was 25 years ago

9 Ans I reckon it is -

10 Ques When was you and Mr Ward
11 Married?

12 Objected to because irrelevant & immaterial

13 M.G. Ely atty for

14 Ans I don't know exactly the
15 day of the month. I think
16 it was the 20th of the month.
17 It been 60 years I reckon

18 Ques How give the age of your oldest
19 child?

20 Ans Objected to because irrelevant & immaterial

21 M.G. Ely atty for

22 Ans About 49 I reckon

23 Ques How old is Jonathan?

24 Ans He's about 47 I think

25 Ques When did Mr Ward die? What year
26 & month?

27 Objected to ^{because} irrelevant & immaterial

28 M.G. Ely atty for

29 Ans I know but can't tell it -

30 Ques How old is W A Ward Jr

31 Ans 32 years, I reckon

32 Objected to because irrelevant immaterial, &
because the register of birth is the proper way to find
age of him is at register

M.G. Ely atty for

Ques. 1. Don't you think you are recollection
 2. about these matters above referred to
 3. and all other matters would have
 4. been better 10 or 15 years
 5. ago than they are now?

6. objected to in because irrelevant
 7. immaterial illegal inadmissible
 8. and not pertinent to the issue

M. J. Ely atty. for P.

Ans. 9. I expect it would have
 10. been

Ques. 12. Would you sign a deed now
 13. Mrs Ward without leaving it
 14. thoroughly explained to you

Ans. 15. Yes, I reckon I would if
 16. I was'nt thinking too much
 17. about

Ques. 18. How long ago since you
 19. made the deed to Wm a word
 20. of the lands where Johnathan
 21. now lives

22. Objected to because the date of
 23. the deed is best evidence

M. J. Ely atty. for P.

Ans. 24. I reckon it's 13 or 14
 25. years, as near as I can
 26. come at it.

Ques. 27. When did you first know
 28. you had made a mis-
 29. take in this deed?

Ans. 31. It was a year since I
 32. first found it out.

Ques 1 Who told you first-

Ans 2 I don't recall who did
3 I wouldn't be surprised if it
4 wasn't Nick Spears.

Ques 5 Would you ever have brought
6 suit if the land was not liable
7 to go out of Jonathan's hands

Ans 8 Yes, sir I would. if they had
9 contrived me any I would
10 took it all.

Ques 11 How long have you been
12 thinking ^{of bringing} this suit.

Ans 13 I've been thinking about
14 it all my life time; ever
15 ~~before~~ since I made the deed
16 to the other boy.

~~Ques 17 How long have you been
18 thinking about bringing this suit ever since
19 after I made the deed which~~

Ques 20 How long have you been
21 thinking about bringing
22 this suit.

Ans 23 Ever since I made the deed
24 and before

Ques 25 Who did you make the deed
26 before 12 or 13 years ago
27 to one you made to Thom-
28 ward dated Jan 26, 1881?

29 Objected to because the certificate
30 of acknowledgment is the best
31 evidence. M. J. Ely atty for P.

Ans 32 John Hiatt.

Ques- You stated in your answer to a question propounded by Mr. Ely. that Deerp died the land to you, Jonathan and Mr. A. Ward, are you certain that Mr. A. Ward's name was in that deed? and that the land was conveyed in that deed to Mr. A. Ward?

1 Objected because the deed to the just evidence

M. J. Ely atty for Pff

Ans- I told it to be done, and saw them write it; he wrote it as I told him I expect Joe James wrote the deed

Ques Mrs Ward have you been getting any rent from that land for how many years?

Ans- For several years. I haven't got any for I didn't ask it.

Ques How long since you made your home there

Ans- I make it there when I go there and come away when I please and stay as long as I please.

Ques Have you any property there

Ans- Yes, sir, I have

Ques 1 What does it consist of?
2 Objected to because irrelevant &
3 immaterial M.Y. Ely att for P.P.

Ans 4 All my furniture is there
5 my bedding, dishes, and
6 everything I owned.

Ques 7 How many acres is there
8 in the Hunt-Slemb tract?

9 Objected to because the deed itself
10 is the best evidence M.Y. Ely att for P.P.

Ans 11 I can't tell you exactly.

Ques 12 Do you know where the
13 lines run?

~~Ans~~ 14 Objected to for above reasons
15 M.Y. Ely att for P.P.

Ans 16 I know some of the lines

Ques 17 You would not know Jonathan
18 as shown out of anything whatever
19 would you

Ans 20 I wouldn't of what was right -
21 if they were contrary I would
22 I want my just rights

Ques 23 Have you and Jonathan
24 and Oliver's folks always got
25 along peacefully and quiet?
26 Objected to because irrelevant and
27 immaterial M.Y. Ely att for P.P.

Ans 28 Me and the boys always got
29 along, me and the girls fought
30 a little, they would get fought
31 at me some times

Ques 32 Did their wives or either of them

1 Was run away from
2 that farm or out of the house
3 Forgoing questions objected for
4 reasons above stated

5 M. Y. Ely, for P. J.

Ans 6 No sir they didn't for they said
7 he or don't I want when
8 I please and came when
9 I please and I had pos-
10 sessions and right time
11 before they ever came there

Ques. 12 Johnathan was in the war was
13 he not

Ans 14 Yes, Sir:-

Ques 15 How much older is John
16 athan than them?

Ans 17 Two years, I or there.

18 Forgoing questions and answers
19 are objected to because irrelevant &
20 immaterial) M. Y. Ely for P. J.

Ques. 21 Do you remember those
22 Company Johnathan was in

Ans. 23 John Johnson was the Captain

And further this Dependent said
not Sarah ^{Ward} ~~Ward~~
Ward

Johnathan Ward another witness
of lawful age being introduced
by the Deft J. M. Ward first being
duly sworn deposes and says:-

Ques. 24 State your name, age, residence
and occupation

Ans 1 J.M. Ward is my name; an
2 farmer, aged 50 years, live
3 in Turkey Cove

Ques 4 Are you one of the depts
5 in this cause

Ans 6 Yes, Sir

Ques 7 State whether or not your
8 brother W.A. Ward and yourself
9 divided between you the tract
10 of land purchased from
11 H.C. Slump by Sarah Ward
12 W.A. Ward & yourself

Ans 13 Yes, Sir, we did

Ques 14 When this division of the land
15 was made, state whether or
16 not it was at that time your
17 belief that Sarah Ward would
18 deed to you what interest she
19 might have in the part which
20 fell to you by the division
21 between you and W.A. Ward

Ans 22 Yes, Sir

Ques 23 Had this been your understanding
24 all the time

Ans 25 My understanding was that she would
26 deed it to me as my child was, did
27 not know whether she would deed
28 it all to me or not. She said she
29 had not decided all of her part to share

Ques 30 Now with Bill & Sarah Ward the
31 two partitions of the land are
32 which you now live adjoining from

1 the nature and situation of the land
2 do you think it susceptible of par-
3 titution?

Ans 2 Geo. Sir: -

X

Quas Mr. Ward, is it not a fact that your
5 Mother Sarah Ward has an interest
in the tract of land on which you
now live and does legal owner
11 force third of that tract by deed of pur-
1 chase from H. C. Steep.

Ans-1 I reckon from the amount
1 she paid, she has. She paid the
12 cost for it.

Quas State the amount she paid if
1 you know

Ans 1 Don't know how much
1 it cost us - I not purchase
2 ~~2 1/2~~ ^{was} \$1800.00 we were
11 paid and the costs interest
12 legal fees amounted to
2 about \$2100.00. I paid \$557. and

Quas ~~How much~~ \$40.00 out of that was
1 lawyer fees. She paid the balance.

Quas Is it not a fact that the Plff in this suit
2 is entitled to a partition of the land on
25 which you now live and ought to
2 be partitioned by the Plff -

Ans 3 I reckon she is without she
31 sees cause to deed it to me

Quas Haven't you always recognized the

1 that the Plff. had an interest in
2 the land assigned you in the
3 partition of the Slump tract of land
4 between you and M. A. Ward

Ans 5 Yes.

Ques 6 Did you execute to Harvey Young
7 and others a deed of Trust upon
8 this tract of land here sought to be
9 partitioned by the Plff? and did you
10 in any way give them notice that
11 the Plff. in his suit - ~~had~~ ^{has} an interest
12 in said land

Ans 13 I executed a deed of Trust on the
14 land I had; I gave them notice
15 ^{by giving to} ~~by giving~~ them the Chit-Slump deed
16 He answered "no" he wanted the
17 them deed

Ques 18 Mr. Young in his answer in this Cause
19 states that he has had to pay for you
20 as Deft. of Treasurers of Lu Co a large
21 sum of money to wit - the sum
22 of \$2289. - please state whether
23 or not, if you know, he has
24 paid that money.

Ans 25 Don't know whether he's paid it
26 or not; if he has he has paid
27 more than I owed.

28 Re-Direct - by Harvey Young

Ques 29 Did you execute a deed of Trust to Harvey
30 Young, C. Slump M. A. Ward and F. J. Riddle

Ans 31 Yes Sir.

32

Ques 1 Did I not propose that if there were
2 no liens on the ^{land} any way of the
3 land was clear, to advance \$1000.00
4 and take a first mortgage

(Objected to because leading)

6 Ely for Pff

Ans 7 I believe you did, but I did not
tell you ~~land~~ land was clear entirely.

Ques 8 Did not I ask you what was against
10 land?

11 Objected to because leading

12 Ely for Pff

Ans 13 I guess you did.

Ques 14 Did you say anything about your
1 mother having an interest in the land?

Ans 15 I said nothing about her having an interest
16 in my land

Ques 17 Did you not make other deeds heretofore
18 to dodge the payment of this debt?

Ans 19 I did not.

Ques 20 Didn't you represent that day that your
21 land was free for your debts.

Ans 22 Of course I did.

Ques 23 Did you know anything about this
24 deed the one Mrs. Wood made to Shum

Ans 25 I knew nothing nothing of how it was
26 I never saw it. She forced her to
27 make it by threatening to leave.

Ques 28 He used no violence?

Ans 29 He ~~did~~ not; I told her to let him leave
30 that I could tend the land

Ques 31 Then it was more for love & affection than

Ques Was that deed of Trust executed in accordance with a settlement made between you, C. Shump and John P. Graham? Quotion objected to because ~~was~~ irrelevant & immaterial and not pertinent. to the issue M. Ely att for P. E.

Ans. I can't say that it was. It was though according to what Camp said

Ques Was not this deed of Trust given for a larger amount than was due by you, without my knowledge - ~~was~~ objected to because irrelevant and immaterial ^{+ leading} M. Ely for P. E.

Ans. A Sunday or two before the deed of Trust was given we were at Cal. Shump's in a room this way, and we were talking about this money, and Horro got talking about deeds of Trust and he told circumstances of Price Oliners about some kind of mortgage and he took it for more than was due to save Bees property, he asked an and agreed to do the same way with this matter

Ques Did you not propose to give Bees a Pearson a first Mortgage on your land for \$800.00

Ans. Camp was the man who proposed it and I agreed to it

Ques Did you get the money from Pearson?

Ans. No sir, did not

1/ For fear?

Objection because it's leading
Ely for P.B.

Ans. I don't know whether she was
afraid of him or not.

Ques. He was the youngest child
living was he not-

Ans: yes -

Ques. Which would you rather
1. gain this suit - you or
11 your mother?

~~Case~~ 14. Objection by counsel for Mr. Ward because important, immaterial, irrelevant.)

1. A man whose Lee's lawing would
1. rather gain it himself.

Ques - If she loses suit - are you ^{or your children} ~~you~~
as looser in the operation?

Ans. I couldn't say that - I am rather -

Ques. If she gains the suit has she not
promised to deed it to you or your
children?

Ans - She has not promised & did it
to me - But might have promised
& did it to ~~me~~ (my son) I don't know
I never heard her promise to do it
to any body -

2 And further this Deponent saith
30 ~~not~~ I M. Ward

1894 Nov. 14

The within depositions of Sarah Ward, and Jonathan Ward each on my questions and answers thereto is objected to. Because they seek to alter every & contradict its deeds on file.

A. L. Pinceman, for Glens Falls, N. Y.

Sarah Ward - - - Dr.
For taking Depositions
in above case before
N. A. Orin for Notary Public.
To 9 hours @ .75 per hr. \$6.75

Received from Harvey
Young sealed and in good
condition and filed Octob
The 22nd / 1894
A. B. Munsey Clerk

Sarah Ward

J. M. Ward et al.

Depositions

Notary Public for the County of Saratoga, said, in the State of New York, do certify that the foregoing depositions were duly taken before me, and subscribed before me, at the time and place mentioned therein.

Given under my hand and seal of office, this 22nd day of Oct. 1894.

Wm. A. Orin, N. P.

The deposition of Harvey Young & others
taken before me as special commissioner
to be read as evidence in determining
the inquiries of the court referred to
me by a decree entered in the Chancery
Cause of Sarah Ward vs J. M. Ward & others
on the 16th day of November 1895, said cause
pending in the Circuit Court of Lee County
Virginia.

Present J. A. G. Hyatt & Harvey
Young.

Harvey Young a witness of lawful
age being first duly sworn deposes & says.

The sum of \$1000⁰⁰ mentioned in
the deed of trust is still unpaid except a
small credit \$3³⁵ as of about May 1893.
& interest to be paid as stated in the
said deed of trust. Both Mr. J. M. Ward &
C. Slump have told me the sum of
\$400²⁵ the second line in said deed of
trust is a fiction & not a bona fide
transaction. They told me that it was all
right at the time the deed of trust was
executed, but told me it was a fiction
& not correct since, that Slump had
not ^{actually} paid that sum as stated in the
deed of trust. The next item or sum of
\$776⁰⁰ is correct & wholly unpaid
as far as I know.

As regards the line in favor of
Castleton ^{Wade} against A. H. Spears, J. M.
Ward & J. A. G. Hyatt, I am acquainted

with each of the parties & know that they
had personal property ^{sufficiently} at the time the
executions were in the sheriff's hand
for ^{the payment of} said debt. I mean to say that
J. M. Ward & J. A. Hyatt each had enough
personal property to ~~pay~~ satisfy said
execution when in the hands of
the sheriff. I understand that
R. D. Flannery late Sheriff had person-
al property levied upon under the
execution for the judgment of \$720⁰⁰
& its costs.

And further this witness saith not.

Harvey Young

R. D. Flannery another witness
of lawful age being duly sworn
deposes as follows:

While Sheriff or deputy sheriff for
S. H. Ewing, I had in my hands
an execution in favor of H. J. Mor-
gan against A. H. Spears, J.
M. Ward & J. A. Hyatt. I cannot
state the amount. I only had one.
It may be that I can find it among
my old papers at home. I will
search for it & if found file it
as a part of my deposition. I
believe it was for \$66⁰⁰ & something.
I levied under said execution upon
one yoke of Oxen the property
of A. H. Spears. I turned them over

to J. M. Ward by order of J. A. E. Hyatt
And further this witness with
2006. R. S. Helman

Virginia Lee County, to wit,
the foregoing depositions of
Harvey Young & R. D. Helman
were duly taken, sworn to & sub-
scribed before me, a spe. comm.
being for the purpose in
the Caption mentioned
Given under my hand this
20th day of May, 1895

Dr. P. Sewell
Spe. Comm.

Sarah W. D.

7.3. Depositions

J. M. Ward et al

Sarah Ward ... Plff

vs

J. M. Ward & al. Defs

} In Chy-

To the Hon. W. T. Miller, Judge
of the Circuit Court of Lee County,
Virginia:

Your undersigned commis-
sioner, appointed for the purpose
of ascertaining certain inquiries
referred to him by a decree en-
tered herein would respectfully
report, -

That by agreements with
the parties or their attorneys, the
days & places for taking proof
herein were fixed & that he fur-
ther posted written notices of
the time & place upon the Court
house door & in the neighborhood
of the parties' residence & while some
were not present at the times
of the taking thereof, they or their
attorneys, had full knowledge of
the same.

From the proof so taken &
from the records of the Clerk's
Office of Lee County your
Commissioner ascertains the following: -

1st - That there are two Judgements
order in point of time than
the liens created by the Deed of
Trust executed by J. M. Ward wife
to Jonathan Hyatt for the benefit
of Harvey Young others, to wit:
each in favor of W. J. Morgan
Corner vs said Ward, R. W.
Spears & J. A. Hyatt, being doct-
ered Dec 14th 1888 & Jan 10th 1893
respectively & both prior to the
Deed of Trust, which was
on the 10th of July 1893. The
amounts of said Judgements,
a calculation thereof, credits
considered & the priorities of the
same are stated & filed herewith
as a part hereof marked Statement
Said Statement likewise shows
the amount due on said
Deed of Trust together with
the priorities &c.

2nd By request he would further
report in regard to the above
Judgements, that both J. M.
Ward & J. A. Hyatt each owned
personal property sufficient to

to satisfy the same at the times
the Sheriffs had *fi fa* in their
hands for the collection of same.

R.D. Flannery proves that while
Sheriff or deputy that he actually
levied said *fi fa*, that is the
\$66⁰⁰ one, upon a writ of

exce. & that they were released
by order of J. A. G. Hyatt one

of the parties against whom
the same issued, likewise a

honor was levied under a
fi fa for the \$133³⁴ judgment

by L.M. Wade deputy for C.E. Flannery,

but it is not shown what was

done with the same. The same is

filed herewith. Another *fi fa*

returnable to 1st March *advis* 1893

has endorsed, Not to leave office

until ordered, J. A. G. Hyatt C.

Evidently both of these ~~two~~
judgments could have been made
out of the personal property of
the parties, but for some
reason, not to your corner, known
they have not, but stand on the
docket as *placit* prior to
those under the deed of trust &

he so reports them & passes the same to your Honor for proper adjustment.

3^d, The amount shown to be due on the face of the Deed of Trust is not the true amount due thereon as it is shown that the 2^d or \$400²⁵ item was not actually paid by C Sleep & is therefore not allowed.

4th, Your Court would further state that J. M. Ward filed his Homestead Deed before him, in which he sets apart this tract of land, which is covered by the aforesaid Deed of Trust & claims the same as exempt from sale by virtue thereof.

But your Court is of opinion that said Homestead Deed will not exempt said land from sale under said Deed of Trust, for the reason, that the beneficiaries under said Deed of Trust are subrogated to the rights of the state, the said Deed of Trust clearly showing that the money paid out

by them, for which said Debt of Trust
was given was money due the state
from a defaulting public officer.

Const Va Sec 1, 3^d, as is likewise the
Case under Sec. 3^d of same.

^{7th}, After payment of the Debt
of Trust Mrs Sarah Ward would
be entitled to a one third interest
in the funds arising from ^a the sale
thereof.

All of which
The depositions taken herein
are filed herewith as a part.

All which is respectfully
submitted,

D. F. Sewell
Spec. Commr

✓

1st

The 4th part of the within report is excepted, to by J.M. Ward, because the third part of Sec. 1. Art. 11 of the Constitution of Virginia does not apply. The liability for which said Trust Deed was executed, to wit \$1000.00 was for money loaned by the said Young to said Ward, and not for liabilities incurred by a public officer. 2nd Because the liability of Ward to Graham was not a liability incurred by a public officer.

Respectfully

Wm. M. Ward

Sarah Ward

Report

Corner

J.M. Ward et al

Filed May 22^d 1890

Wm. M. Ward

Corner fee \$22.50

Sarah Ward

vs

In Chy-

J. M. Ward et al.

To the Hon W. T. Miller, Judge of
the Circuit Court of Lee Co., Va.

Your Court who by a decree
entered in the above styled
directed to sell the land in the
proceedings mentioned, being the lands
of said J. M. Ward, would report.

That after having advertised
the time times & place of sale
as required by said decree he
on the 19th day of Aug. 1895 that being
a court day, at public outcry at
the front door of the Court house
he offered said land for sale.

At which time Harvey Spring
was the highest bidder & said
land was accordingly knocked
off to him, at the price of
~~\$1166⁴⁶~~ \$1300⁰⁰.

He paid the cost taxed
by the clerk \$98⁵⁴ & my com's
amounting \$35⁰⁰, which your
Court holds awaiting your Honor's
order.

For the residue of said purchase
price amounting to \$1166⁵⁴ he
executed ~~two bonds~~ for
\$583⁴⁶ each payable in six
& twelve months ~~from date~~
of sale & bearing interest
from said date, with M.H.
Rensor as surety, which he now
has in his possession.

Your Comm. would further report
that ~~the said~~ purchaser paid
under protest the \$6⁷⁵ M.P.
fee for taking the Plaintiff's
depositions & asked ~~that~~
the same be returned to him
which your Comm. thinks
proper, as she did not in
her suit prevail as against
him as petitioner, in relation
to which they were taken.

He would again report
that the parties in interest
have made some agreement
in regard to Spear debt &
he is informed by J.A. Hyatt
one of the parties that it is
now no longer considered

herein, but according to the
terms of said agreement
said Young the purchaser of
said land is to have the
proceeds of the sale applied
to his claims, & if such is
the case said Young ^{will}
is entitled to his notes &
also a deed to said land.

Resph.

D. P. Sewell

Spe. Commr.

Soruk Ward

Report of
VH } sale

J.M. Ward v.als

Filed Oct. 23

1895

A.B. Mumf. Clerk

This deed made this the 13th day of April 1889 between W^m A. Ward and
Emily J. Ward his wife of the first part and Jonathan M. Ward of
the second part both parties of the County of Lee, State of Virginia
Witnesseth that the parties of the first part for and in consideration
of a half interest held by the said J. M. Ward in the H. C. Slunk
tract of land and the sum of forty dollars paid and secured to
be paid by the said J. M. Ward to the said W^m A. Ward for a small
piece of land including the eastern portion of the buildings where
J. M. Ward now lives, do by these presents convey and deliver
unto the said J. M. Ward the following described tract or parcel
of land bounded as follows to wit: Beginning at a rock in a line at
Mason's orchard, thence S. 29 E about 20 poles to within 1 pole &
5 feet & 2 inches of the corner of the east building thence eastward
2 poles 19 inches to a planted rock, thence about 18 poles to a walnut
thence S. 37 E 14 poles to a rock in middle line, below and near a buckeye
chestnut and some dogwood thence S. 63 W. 20 poles & 13 links to a
gum S. 21 E 18 poles to a stake S. 69 E 28 1/2 poles to a dogwood stump
in middle line thence S. 10 E 144 poles to a small hickory on top
of ridge thence S. 53 W. 13 poles to a stake thence N. 14 W. 113 poles to
rocks six steps below a large poplar N. 33 W. 154 poles to a stake
west of spring N. 83 E. 8 poles to a stake N. 28 W. 16 poles to a stake
S. 72 W. 8 poles to the bank of road thence with the road to
Mason's line thence S. 62 E. 15 poles & 7 links to the beginning
containing about 140 acres, And the party of the first part
covenants that they will warrant generally the land
hereby conveyed serving to themselves five acres and passage
to and from the spring over said land and the use of waters
for stock and family use. In witness whereof they have
hereunto set their hands and seals, this date above written

William A. Ward

Emily J. Ward

1 Virginia Lee County to wit:

2 I John A. G. Hyatt, clerk of the circuit court for Lee County
3 do hereby certify that Wm. A. Ward and Emily J. Ward his wife
4 whose names are signed to the foregoing deed bearing date
5 on the 13 April 1889 each personally appeared before me in
6 my County aforesaid and signed and acknowledged said
7 writing to be their joint act and deed for the purposes therein
8 stated, Given under my hand this 13th day of
9 April 1889, J. A. G. Hyatt clerk -

10 Virginia Lee County to wit: -

11 In the office of the clerk of said county Feb. 10th 1893
12 This deed was presented and together with the certificate
13 thereto annexed admitted to record.

Test: J. M. Williams clerk -

A Copy Test: S. V. H. Rice and Co. 11

Wm. A. Ward and wife

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J. M. Ward et al

"Johnathan"

1 This deed made this the 13th day of April 1889 between Jonathan M.
2 Harland N. Carolina Ward his wife of the first part and
3 J. M. Ward of the second part both parties of the County of Lee
4 State of Virginia, Witnesseth that the parties of the first part for
and in consideration of a deed to a half interest owned and
held by the party of the second part in the N. E. Slunk tract of
land which by mutual consent has been divided between the parties
do by these presents convey and deliver unto the party of the first
part all their interest in the following two tracts or parcels of land
The first one bounded as follows to wit: Beginning on the top
of a hill corner between John Mason and the Habers land thence S. 39
E. 157 poles to a beech and poplar stump thence S. 63 W. 26 poles and 1/2
links to a cesh below a man a hickory chestnut and small dogwood
in middle line thence N. 37 W. 114 poles to a walnut, thence about
18 poles to a planted rock 19 feet from the N. E. corner of the house
thence 2 poles & 19 inches to the division line about 1 pole 5 feet
and 2 inches north of the house thence N. 29 W. about 20 poles
to a rock in reservation thence 62 W. 15 poles to the beginning
The second piece beginning on a ash and mulberry stump old corner
to Habers land thence S. 1 E 123 poles to 4 chestnuts oaks on
top of Wallens ridge S. 53 W. 13 poles with the top of the ridge
to a small hickory thence N. 10 W. 124 poles to dogwood stump
in the middle line thence S. 69 E. 28 1/2 poles to the beginning containing
about 36 acres, and the parties of the first part covenant that
they will warrant generally the land hereby conveyed reserving
to them selves the right of way to pass over and haul wood and
grain etc over said land where the haul way is now used
and leave to use water from a small spring in the ridge for
stock purposes. In witnesses whereof we have hereunto
set our hands and seal the date above written,

J. M. Ward (Seal)

N. Carolina Ward (Seal)

Virginia Lee County to wit;

J. A. G. Hyatt clerk of the Circuit Court for Lee County do hereby certify that J. M. Ward and M. Caroline Ward his wife whose names are signed to the foregoing deed bearing date on the 13th day of April 1889 Each personally appeared before me in my county aforesaid and signed and acknowledged said writing to be their act and deed for the purposes therein stated, Given under my hand this 13th day of April 1889.

J. A. G. Hyatt clerk.

Virginia Lee County to wit;

In the office of the clerk of the said county the 19th day of Jan. 1891 this deed was presented and together with the certificate thereto annexed admitted to record.

Teste John R. Gibson clerk -

A copy - Teste: D. V. F. Richmond Clerk

J. M. Ward and wife

To } copy of deed

J. A. Ward

"Gibson"

Know all men by these presents, that
I, Jonathan M. Ward, a householder
and citizen of Lee County, residing in the
State of Virginia, do hereby signify my intention
to claim, and do hereby claim, select, and set
apart as exempt from levy, seizure, garnishment
and sale, under the constitution of Virginia
and the acts of the General Assembly passed
pursuant thereto, the following described
property, with the cash valuation of each
article thereunto affixed to wit: -

1st The tract of land on which I now live situated
in Turkey Cove Lee Co. Va. and bounded by the lands
of W. A. Ward, J. G. Hyatt and John Prosser
being a part of the Hoburn Tract of land that
was deeded by R. C. Shephard and wife to Sarah Ward
and being the land deeded by W. A. Ward to J. M. Ward
and the adjoining tract deeded by C. Shephard and wife to J. M. Ward.
Said to contain 44 acres more or less, being the same
land described in a deed of trust executed by
myself and wife to J. M. Hyatt Trustee on the 8th
day of February 1893, and of record in the County Court
Clerk's office of Lee County, Virginia in Deed Book No. 28

Page 357. Cash valuation - - - - -	\$1500.
7.5 bushel of corn - - - - -	30.
1 Bay mare with black in forehead age 14 - - - - -	50.
1 Bay horse with white hind foot age 8 - - - - -	75.
2 Milk cows, 1 and the other a yearling - - - - -	40.
1 Sow and 3 Shoats - - - - -	12.

Total Valuation \$1707.

Given under my hand and seal this 18th day of
December 1894. Jonathan M. Ward

1 Virginia: Lee County to wit:-

2 J. S. V. F. Richardson, Clerk of the County Court of Lee
3 County do certify that Jonathan M. Ward whose
4 name is signed to the foregoing writing bearing
5 date on the 18th day of December 1894, has acknowledged
6 the same before me in my county and state
7 aforesaid, Given under my hand this the 18th day
8 of December 1894.

9 J. V. F. Richardson Clerk

10 Virginia: Lee County to wit:-

11 In the Office of the Clerk of said County
12 on the 18th day of December 1894, was

13 Presented and acknowledged together with the
14 Certificate of the Clerk of said County to
15 the effect that the same was admitted to
16 record.

17 J. V. F. Richardson
18 Clerk

Jonathan M. Ward

To Honesty & Co.

Recorded in Book
Book No. 31
Page 1

Examined

125 Paid

Virginian Print, Jonesville, Va.

He 476
S 1.00
att'y 2.57
Clerk 25
M.C. 176

\$10.27

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

J. A. G. Hyatt

WE COMMAND YOU, That of the goods and chattles of

A. H. Spear, J. M. Ward and

in your bailiwick, you cause to be made
Seven cents

\$66 ⁶⁷/₁₀₀ → Sixty Six dollars & Sixty

with interest at the rate of six per centum per annum from the

18th day of *May* 18*86*

until paid, which *Henry J. Morgan Comr.*

late in our Circuit Court of the County of Lee, has recovered against the said

A. H. Spear, J. M. Ward.

J. A. G. Hyatt

, as well for a debt as interest thereon; also

\$10.27

Seven

dollars and *Twenty Seven* cents, which to the said

Henry J. Morgan Comr.

in the same court were adjudged for

his

costs

by *him* about *this* suit in that behalf expended, whereof the said

A. H. Spear it also

convict as appears to us of record. And how you shall execute this writ make known at the rules to be holden

in the clerk's office of our said Circuit Court, on the

1st Monday in *April*

next. And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the

23rd day of

January

189*5*, and in the *119th* year of the Commonwealth.

A. B. Munsey Clerk

E. B. No. 4 p 4
Henry J. Morgan Comr
F. F. A.

vs.

IN DEBT.

A. N. Spear et als

H. J. Morgan p q

Came to hand Jan the 25-

1895, at 10 o'clock A. M.

C. E. Flannery S. L. C.

To 1st April Rules,

Circuit Court.

Jud. Jan 9th 1893

O. B. No. 3 p 232

Returned at the order
of H. J. Morgan.

This April the 1. 1895
- C. E. Flannery S. L. C.

Sarah Ward
Against
J. M. Ward et al.

This is a Bill filed for partition

Harvey Young & C. Slump Come
in by petition and resist holding
under J. M. Ward a deed of
trust for the same land.

Sarah Ward is the mother of
J. M. Ward and is now an
old lady 84 years of age.

The land in controversy is one
that several years ago was
conveyed by H. C. Slump to
Jonathan M. Ward & Sarah Ward.
See deed.

Then on the 26th day of Jan. 1881
Sarah Ward convey her entire interest
in one half to W. A. Ward.
See that deed.

Afterward to wit on Apr. 13 1889
W. A. Ward & J. M. Ward make
partition & mutually deed to each other
see those deeds.

Then by deed bearing date
Feb 8-1898, J. M. Word conveyed
the same land to J. M. Wyatt
trustee to secure Goring.

There are the deed and convey-
ances, to sustain the plff. She
by her own oath, seeks to
say that H. C. Slemp conveyed to
her, Wm A. & J. M. Word, right
in the face and against the plain
words of the deed itself, which
conveys to J. M. & Sarah Word.

Then in equal open violation
of her own deed she swears she
did not convey all her interest
to Wm A. Word when the deed
on file plainly shows she did.

If the plff can maintain this
action it would be difficult
to see what use could be
made of deeds.

The Bill should be dismissed

A. L. Prentiss
for
def.

Harvey Young
and } Brief

Sarah Wood

To J. M. Ward, W. A. Ward, F. J. Middle, C. Shump
and Harvey Young

Take notice, that on the 30th day of April, 1894, at the office of dwellinghouse of
A. D. Littons, in the town of Lee Co. Va., between the hours of 9
o'clock a. m. and 6 o'clock p. m. of that day, I shall proceed to take the depositions of
Sarah Ward et al -

to be read in evidence in my behalf in the suit in equity depending in the Circuit Court of
Lee County in which Sarah Ward is

Plaintiff and J. M. Ward
W. A. Ward, F. J. Middle, C. Shump and Harvey Young are
Defendants ^{and petitioners} and if from any cause the taking of said depositions be not commenced on that day,
or if commenced, if they be not completed on that day, the taking of said depositions will be
adjourned and continued from time to time and place to place until they are completed.

Respectfully,

Sarah Ward.
By Counsel -

Early

Sarah Ward -

VJ } Notice to take up -

J. M. Ward at test. -

Executed by
Delivering a true
copy of the within
Notice J. M. Ward
W. A. Ward Jr. J.
Riddle C. Slump
and Harry Young
on the 13 day of
Apr 1894

L. M. Wade D. S.
for C. E. Tolamary
S. L. C.

Please see

Know all Men by these Presents, That we D. C. Sewell, B. H. Sewell
and John B. Mygal
 are held and firmly bound unto the Commonwealth of Virginia, in the sum of Three
Thousand dollars, to payment whereof, well and truly to be made to

the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs,
 executors, and administrators, jointly and severally, firmly by these presents, hereby waiving the
 benefit of our homestead exemptions as to this obligation, and any claim, right, or privilege to
 discharge any liability arising under this bond, or by virtue of said office or trust, in any cur-
 rency, funds, counter claims or offsets other than legal-tender currency of the United States.

Sealed with our seals, and dated this 15th day of July
 one thousand eight hundred and ninety five

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound D. C.
Sewell
 shall faithfully perform the duties of his office or trust, as Commissioner

under a decree of the Circuit Court of the County of Lee, pronounced on the 14th day
 of June, 1895, in the suit therein depending under the name and style
 of Sarah Ward against J. M. Ward et al.
and H. J. Morgan Comr against A. H. Spears
et al.

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the
 presence of

A Copy Teste } D. C. Sewell [SEAL.]
A. B. Munsey Clerk } B. H. Sewell [SEAL.]
John B. Mygal [SEAL.]

In the Clerk's Office of the Circuit Court of the County of Lee.

This day _____
 suret on the above bond, made oath before me A. B. MUNSEY, Clerk of the Circuit Court
 of the County of Lee, that _____ estate after the payment of all _____ just
 debts, and those for which _____ bound as securit for others, and expect to
 have to pay worth the sum of _____
 _____ dollars.

Given under my hand this _____ day of _____ 189 _____

Teste: _____ Clerk

Sarah Ward:

^{Ass}
J. M. Ward et als
Copy

to { COMMISSIONER
BOND.

Commonwealth.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU That you summon

*J. M. Ward, W. A. Ward
F. T. Riddle, C. Slemmond, Harvey Young*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *3rd* Monday in *April*, 189*4*, to answer ^{*an amended*} a bill in Chancery, exhibited against *them* in our said court by, *Sarah Ward*.

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *3rd* day of *April*, 189*4*, and in the 11 *8th* year of the Commonwealth.

A. B. Munsey Clerk.

Sarah Ward

vs. {

SUBPENA
IN CHANCERY.

J. M. Ward et al

M. G. Ely p. q.

To 2nd April ... Rules (9th)

Circuit Court.

Executed by delivering
a true office copy
of the within Subna
to J. M. Ward W. A.
Ward F. J. Riddle
C. Slump and
Harry Young
on the 13th day
of April 1894
L. M. Wade D. S.
for C. E. Flannery
S. L. Co.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

J. M. Ward

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *First* Monday in *February*, 189*4*, to answer a bill in Chancery, exhibited against *him* in our said court by *Sarah Ward*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *16th* day of *January*, 189*4*, and in the *11 8th* year of the Commonwealth.

A. B. Munsey

Clerk.

Sarah Ward

vs. {

SUBPÆNA
IN CHANCERY.

J. M. Ward

M. G. Ely p. q.

To 1st February Rules 1874

Circuit Court.

Executed by
Delivering a true
office copy
of the within
sums to J. M.
Ward, this being
the 25th 1874 L. M.
Wade D.S. for
C. E. Flanagan
S. L. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

J. M. Ward, W. C. Ward, F. J. Riddle, J. M. Wyatt and Harvey Young

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *3rd* Monday in *May*, 189*4*, to answer a bill in Chancery, exhibited against *Them* in our said court by *Sarah Ward*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *16th* day of *April*, 189*4*, and in the *11* *8th* year of the Commonwealth.

A. B. Munsey Clerk.

Sarah Ward

US.

SUBPENA
IN CHANCERY.

J. M. Ward et al

M. L. Edg. p. q.

To 2nd May Rules,

Circuit Court.

Executed May 5/94
by Delivering a
true office copy
of the within
Luns to J. M.

Ward this May
the 8th 1894

L. M. Wade I. S.
in C. E. Glenney
S. L. C.

Virginia.

In the Clerks Office of the Circuit Court of Lee County at the Court-house thereof January 9th 1893.

Henry J. Morgan Comr. Clk.

Against

A. H. Spear J. M. Ward

and J. A. G. Hyatt

Defls

In debt.

This day came the plaintiff by his Attorney, and the defendants appeared in their own proper persons, who thereupon confessed judgment against themselves in favor of the plaintiff for sixty-six dollars and sixty seven cents, the amount of the note in the declaration mentioned and legal interest thereon from the 18th day of May 1886 till paid and the costs.

C. 476
S. 1.00
A. 2.50
C&C. 25-
8.51

It is therefore considered that the Plaintiff recover against the defendants A. H. Spear, J. M. Ward & J. A. G. Hyatt the said sum of sixty-six dollars and sixty-seven cents and legal interest thereon from 18th day of May 1886 till paid and the costs.

Teste. John R. Gibson, D.C.

Virginia, Lee County, to-wit:

I, A. B. Munsey, Clerk of the Circuit Court for the County and State aforesaid, do certify that the foregoing is a transcript from the records in my office. Given under my hand this 2^d day of August 1894.

A. B. Munsey, Clerk.

Henry J. Morgan County
13²/₂ Copy of Judgment to
W. H. Spear, et al.

"B"

Clerk's Fee. 50

Dec 8th
1888.

Virginia.

At a Circuit Court continued and held for Lee County at the Court House thereof on Saturday the 8th day of December 1888.

Present. - Same Honorable Judge as on yesterday.

Henry J. Morgan, Coun. Plff
vs
A. H. Spear, M. Ward
and J. A. G. Hyatt Defts. } In def
of

C. 4.76
S. 1.50
A. 2.50
Co. C .25

9.01

The defendants not appearing, it is considered by the Court that the judgement obtained in the Clerk's Office in favor of the Plaintiff against the defendants for \$133.34, the debts in the declaration mentioned, and legal interest thereon from the 18th day of May 1886 till paid and the costs, be made final.

I, A. B. Munsey, Clerk of the Circuit Court for Lee County, Virginia, do certify that the foregoing is a true transcript from the records in my office. Given under my hand this day of August 1894
A. B. Munsey, Clerk.

Henry Morgan Court.
13. ~~Copy of judgment~~
A. H. Spear et als

"
A"
(

Judgement Lien Docket.

Date of Judgement	By what Court rendered	Time of Docketing	Name and description and residence of parties.	Debt, damages, Interest and costs.	Amount, and date of credits.
Dec. 8 th 1888.	Lee Circuit Court.	Dec. 14 th 1888	Henry J Morgan Comrs Plff. vs Sum In Debt. A. H. Spear, M. Ward & J. A. G. Hyatt - Defts.	Judgement for \$133.34 with legal interest thereon from the 18 th day of May 1886, till paid and the costs c. 4.76 S. 1.50 A. 2.50 Geo. 6.25	Gr. \$90.00 Apr 23/89 Gr 15.00 Mar 23/93

Virginia, Lee County, to wit:

I, S. V. F. Richmond, Clerk of the County Court for the County & State aforesaid, do certify that the foregoing is a true transcript from the records in my Office. Given under my hand this August 31st 1894.
S. V. F. Richmond, Clerk

Henry J. Morgan Court
vs. Copy from
Judgment Lien
Book
H. H. Spear et al

"6"

Judgement Lien Docket.

Date of Judgement	By What Court rendered	Time of Docketing	Names and Description of parties.	Debt, Damages, interest & costs	Ant & date of credits.
Jan'y 9 th '93	Lee Circuit Court	Jan'y 10 th 1893.	H. J. Morgan Comrs of Lee County Va - Plff vs $\frac{3}{2}$ In debt. A. H. Spear, J. M. Ward, & J. A. G. Hyatt att _____ Defts	Judgement for \$66.67 with legal interest thereon from the 18 th day of May 1886 till paid and the costs. C. 476 S. 1.00 A. 2.50 Geo. C. 25.	
			Virginia Lee County, to wit: S. S. V. F. Richmond, Clerk of the County Court for the County and State aforesaid, do certify that the foregoing is a true transcript from the records in my office. Given under my hand this the 31 st day of August 1894 J. V. F. Richmond Clerk		

Henry J. Morgan Comr &c.
15 } Copy from Judge-
ment Lien Book
et.

A. H. Spear et als.

"9"

This deed made this 8th day of Feb. in the year 1893, between Jonathan M. Ward, and wife Caroline Ward of The County of Lee and State of Virginia, of The one part and Jonathan M. Wyatt, Trustee, of The County and State aforesaid, of The other part, Witnesseth that The said Jonathan M. Ward in a settlement with John P. Graham Treasurer of Lee County was due the said Graham the sum of Twenty two hundred (2289) and eighty nine dollars on the 11th day of January 1893 for which the following sureties were bound C. Sloup, Harvey Young William A. Ward and F. T. Riddle, The aforesaid Jonathan M. Ward and wife Caroline Ward has this day bargained and sold unto Jonathan M. Wyatt, Trustee, The following described tract of land Beginning near The Big Spring on John A. S. Wyatts line and with The same to The top of Walcutt Ridge, thence eastwardly to William A. Wards land to a Hick

ory thence northwardly with William A. Ward's line to a six acre tract and with lines thereof and including the said six acre tract bought of C. Skemp back of to William A. Ward's lines and with lines thereof to the main road and with the road thereof to John A. G. Wyatt and with the same to the Beginning, for further reference see deeds to the said tracts of land containing 44 acres be the same more or less, it being all the lands that the said Jonathan M. Ward and Caroline his wife owns in Turkey Cove Lee County, Va in trust nevertheless to secure first the payment to Harvey Young the sum of one thousand (1000) dollars with all legal interest from dates and costs, interest to be paid semiannually and secondly the sum of four hundred dollars (400⁷⁵) and seventy five cents with interest from the 11th day of January 1893 paid by C. Skemp. Thirdly to

secure the aforesaid sureties in the sum of seven hundred and seventy-six (776.) Dollars with interest from the 11th day of January 1893 till paid it being the balance of the \$2289.⁰⁰ Now if the said Jonathan Ward shall pay the said sums as herein set forth on or before the first day of January 1895 with all legal costs and interest then the said Jonathan M. Wyatt shall reconvey the said lands to the said Ward, but if the said Jonathan M. Ward shall fail to pay the said sums as herein set forth then the said Trustee shall after twenty days notice one to be posted at the front door of the Court-house and two others in the vicinity where the land lies proceed to sell all or so much thereof as will satisfy the said sums with all legal interest and costs. And the said Jonathan M. Ward covenants with the said Trustee that the said lands are unincumbered day and year first written. Witness the following signatures and seals.

J. M. Ward (Seal)
Caroline ^{her} Ward (Seal)
mark.

Virginia, Lee County, to wit:

I, John Riddle, a Justice of the peace in and for the County and State aforesaid do certify that Jonathan M. Ward and wife Caroline Ward whose names are signed to the writing herunto annexed and bearing date on the 8th day of February 1893 has this day personally appeared before me in my County aforesaid and acknowledged the same to be their act and deed this 8th day of February 1893.

John Riddle, J. P.

Virginia Lee County, to wit:-

In the office of the said County, Feby 10th 1893 This deed was presented and together with the certificate thereto annexed admitted to record.

Teste: J. R. Gibson, C. C.

Virginia Lee County, to wit:

I, S. V. F. Richmond, Clerk of the County Court for the County and State aforesaid, do certify that the foregoing is a true transcript from the records in my office.

Given under my hand this Sept. 1st 1894.
Clerk.

J. M. Ward et ux.
Copy of Deed.
J. M. Wyatt, Trustee

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

*A H Spear, J M Ward, J A L
Hayatt, Jonathan M Hayatt, Trustee L Slomp
Harvey Young, William A Ward and A J
Riddle*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *1st* Monday in *October*, 189*4* to answer a bill in Chancery,

exhibited against

them

in our said court by

Henry L Morgan

*Commissioner who sues for the benefit of
L M Wade executor of Castleton Wade deceased*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

1st day of *September*

189*4*, and in the 11 *9th*

year of the

Commonwealth.

A. B. Munsey

Clerk.

75.

A. H. Spear et al

To 1st October Rules,
Circuit Court.

Executed report the 4. 1884
in determining an office
copy of the certificate
in the 4. 1884
in the 4. 1884

C. G. H. L. A. S. 6

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

*A H Spear, J M Ward, J A B
Hyatt Jonathan M Hyatt Grubbs, C Slomp
Harvey Young, William A Ward and
F J Riddle*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *1st* Monday in *October*, 189*4*, to answer a bill in Chancery,

exhibited against *them* in our said court by *Henry J Morgan*
Commissioner who sues for the benefit of L M
Wade Executor of Castleton Wade deceased,

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

1st day of *September* 189*4*, and in the 11*9th* year of the

Commonwealth.

A B Munsey Clerk.

A. J. Morgan Comfort

vs.

{ SUPRENA
IN CHANCERY.

A. H. Spear et als

Duncan & Hyatt p. q.

To 1st October Rules,
Circuit Court.

Executed Sept
the 13-1894 by
at 9 o'clock
sums all the
within witness
of this sums etc
-eft J. C. L. Hyatt
this Sept 15th 1894
L. C. Wade D. S. for
C. E. Jelancary
S. L. C.

I made copies
of these

Lie

Plffs Costs

C \$ 3.84

S 4.00

Co C .50

Atty 15.00

Estimated 5.00

30.34

Writ Tax -

Neur, Morgan Courte
vs. In Chancery.
A. H. Spear et als.

Duncan & Mizatt, p. 9.

1894 1st October Rules bill filed
Sumo Executed & Decree nisi
11 2nd October Rules Decree
nisi confirmed & cause
set for hearing by Plff